

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: June 6, 2007 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: June 6, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the June 6, 2007 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): June 6, 2007 minutes

REGULAR MEETING
JUNE 6, 2007
7:00 PM

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, Councilmembers Crowley, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Cherof, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex explained the rules and procedures for the open public meeting.

Tuli Wultz thanked Council for naming a basketball court for his son, Daniel, who died as a result of an Israeli suicide bomb attack. Mr. Wultz described his son, saying he “stood for love and peace and tolerance.”

Jacqueline Wise explained that she and her husband had purchased property onto which they wanted to move their mobile home. She said that Chief Building Inspector Brian Dillon had refused to issue a permit to allow them to move their trailer. Ms. Wise had then received permission from Mr. Bergalt in Tallahassee to move it, but Mr. Dillon had refused to phone Mr. Bergalt to confirm this. Mayor Truex advised Ms. Wise to speak with Development Services Director Mark Kutney, and said someone else would review the situation.

Lloyd Phillips reported that the property next door to his was for sale. He presented a copy of a court order to Council. Regarding the audio recordings being made of visitors’ conversations at Town Hall, he quoted statutes prohibiting audio recordings. Mr. Phillips related problems he was experiencing with his neighbor regarding noise, traffic, and an allegation of child abuse, all of which he said the Police Department had failed to address. Mayor Truex advised Mr. Phillips to make a report to the Police Department. He advised Mr. Phillips that Mr. Cherof had written an opinion regarding the Town Hall recordings, and invited Mr. Phillips to request this, as it was public information.

Jeff Goins explained that his daughter was trying to open a beauty shop in Davie. He distributed copies of the Town’s Code regarding parking requirements, and said for each licensed operator in a shop, five parking spaces were required, which he felt was unreasonable. Mr. Goins indicated that they had begun a traffic study and had applied for a variance, but he wanted to bring this problem to Council’s attention.

Amara Nesbitt, chief on-site representative for the FOP general employees collective bargaining unit, said she was concerned about the positions submitted for reclassification in the upcoming 2007 - 2008 budget year. She stated that several positions were being reclassified out of the collective bargaining unit after the Town had been adamant that they would be included. Ms. Nesbitt informed Councilmember Luis that this had been happening for a long time.

Karen Stenzel-Nowicki said she had reviewed the DVD, the ordinance and other documents and had spoken to several individuals regarding the Town's recent redistricting. She felt there needed to be a correction and a clarification regarding the district boundaries. Ms. Stenzel-Nowicki asked Council to correct the boundary based on the revised Scenario 6, from 58th Avenue to 61st Avenue. Councilmember Crowley explained that his intent had been to have the boundary on 61st Avenue, and the legal description did not match the Council's vote. Town Clerk Muniz explained that Councilmember Crowley had indicated in November that he wanted the corridor for 58th Avenue to be in that district, but the motion did not specifically state the delineation. Town Clerk Muniz said if Council wished, the boundary could be corrected through an ordinance.

Councilmember Starkey wanted to listen to the tape of the meeting prior to making any decision. Vice-Mayor Caletka said he had thought Council's vote had been based on the consultant's map, and based upon that, he thought the dividing line had been 58th Avenue. Considering the process involved to change the boundary, Vice-Mayor Caletka felt it was in the Town's best interest to keep the lines where they were. Council agreed with Vice-Mayor Caletka.

John LaDue reported that he now had a permit. He asked Councilmember Starkey for an apology for her statement at a previous meeting that he had a Code violation on his property concerning two cars in his backyard. Councilmember Starkey said she had been informed that someone had called Code Compliance regarding these cars, and she was "merely enquiring about the Code issue to see if that had been taken care of."

Jim Newton felt Davie had not followed its own rules regarding the Charter School on Pine Island Road and Orange Drive. The cross-access agreement between the gas station and Discount Auto Parts, which should be required for final site approval, did not exist. Mr. Newton added that when the site plan had expired, all current ordinances should have been in effect. He thought that sufficient consideration had not been given to the traffic situation and he feared there would be many accidents. Councilmember Starkey advised Mr. Newton to meet with Mr. Kutney regarding this issue.

Judy Paul said she had thought Council had approved 61st Avenue as the district boundary. She felt it was time to create a Charter Review Board, and offered to serve on it. Ms. Paul was disappointed that the airport vote the previous evening had not gone as they had hoped, but was grateful that the three commissioners with constituents in affected districts had voted against it. She was concerned about a flooding issue in the Woodbridge Ranches area and asked that the Town's engineers look into this. Councilmember Crowley felt muck in the soil was preventing proper drainage. Mr. Shimun noted that the Charter review issue was on the Council's next agenda.

Jerry Starkey thanked Mayor Truex, Vice-Mayor Caletka and Councilmember Starkey for attending the airport vote the previous evening.

Mayor Truex announced that staff had requested that item 6.6 be tabled to July 18, 2007.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table.

Mr. Shimun confirmed that the budget workshop for June was not yet scheduled. Council agreed they could meet before the State Legislature came to an agreement regarding property tax changes.

In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that staff had requested that item 6.8 be tabled until June 20, 2007.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 6.2 needed to be tabled to June 20, 2007.

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to table.

Acting Planning and Zoning Manager Marcie Nolan advised staff had met with Mayor Truex who had suggested that perhaps staff could negotiate a “hybrid” of the applicant and staff’s proposed language. Mayor Truex had asked staff to look at the proposals and provide comments at their next meeting.

Sam Poole, representing the applicant, said that the proposed changes were very simple, and concerned the hours, the landscaping, elimination of the provision of the exception for the Master Plan, and design standards for the buildings. These changes had been made already and Mr. Poole was concerned about another delay.

In a voice vote, with Councilmember Crowley dissenting, all voted in favor.
(Motion carried 4-1)

4. APPROVAL OF CONSENT AGENDA

Resolutions

- 4.1 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2007-142 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SAPOZNIK INSURANCE & ASSOCIATES, INC. FOR HEALTH INSURANCE CONSULTANT SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from May 16, 2007)
- 4.2 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2007-143 AUTHORIZING THE EXPENDITURE OF UP TO \$257,300.00 FROM THE DISTRICT ONE GENERAL OBLIGATION PARKS OPEN SPACE BONDS FOR PHASE ONE DEVELOPMENT OF SUNNY LAKES PARK
- 4.3 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
- R-2007-144 FLORIDA, AUTHORIZING THE APPLICATION FOR A \$200,000 GRANT FROM THE LAND AND WATER CONSERVATION FUND FOR THE DEVELOPMENT OF RECREATIONAL FACILITIES AT THE SUNNY LAKE BIRD SANCTUARY AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$200,000 MATCHING FUNDS).
- 4.4 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FDOT INTERMODAL DEVELOPMENT PROGRAM ON BEHALF OF NOVA SOUTHEASTERN UNIVERSITY FOR SIGNAGE AND KIOSKS AND AUTHORIZING THE TOWN TO ACT AS THE GOVERNMENTAL SPONSOR FOR SUCH APPLICATION.
- 4.5 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
- R-2007-146 FLORIDA, SUPPORTING THE DAVIE AREA LAND TRUST IN AN APPLICATION FOR A \$10,000 GRANT FROM THE BROWARD BEAUTIFUL 2007 COMMUNITY GRANT PROGRAM FOR THE LANDSCAPING OF 8TH STREET PARK LOCATED IN THE ORANGE PARK COMMUNITY DEVELOPMENT TARGET AREA.
- 4.6 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING

R-2007-147 THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID
RECOMMENDATION FOR HEAVY EQUIPMENT RENTAL WITH
OPERATOR AND WITHOUT OPERATOR.

4.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING
R-2007-148 THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID
RECOMMENDATION FOR ELECTRICAL SERVICES..

4.8 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ACCEPTING THE BIDS FROM WEEKLEY ASPHALT PAVING,
INC. AND GENERAL ASPHALT CO., INC. FOR ASPHALT
OVERLAY..

- 4.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2007-149 BID FROM MPC CENTRAL SERVICES MPCG LLC, FOR THE PURCHASE OF TWO INTERNET PROTOCOL SMALL COMPUTER SYSTEM INTERFACE STORAGE AREA NETWORK (ISCSI SAN).
- 4.10 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-150 APPROVING AN EXTENTION TO THE BIDS AWARDED BY BROWARD COMMUNITY COLLEGE FOR SOD/SOD INSTALLATION, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. 206-001
- 4.11 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-151 FLORIDA, APPROVING THE EXTENTION OF THE EXISTING JANITORIAL CONTRACT BETWEEN THE TOWN AND PERM-A-CARE.
- 4.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-152 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FOR THE USE OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA FOR AN ALL GIRL RODEO SERIES AND WAIVING RENTAL FEES
- 4.13 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-153 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION JOINT PARTICIPATION AGREEMENT AND A DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT FOR THE BEAUTIFICATION OF STATE ROAD 862 (I-595) AT NOB HILL, HIATUS, AND FLAMINGO ROAD INTERCHANGES.
- 4.14 **CERTIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA
R-2007-154 AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATION TO THE FLORIDA HOUSING FINANCE CORPORATION ATTESTING THAT THE TOWN OF DAVIE HAS COMPLIED WITH THE ITEMS CONTAINED IN THE CERTIFICATE AS IT RELATES TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM.

- 4.15 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, IN
R-2007-155 OPPOSITION TO PROPOSED IMPROVEMENTS TO THE I-595
CORRIDOR.
- 4.16 **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE
REQUESTING THE
R-2007-156 UNITED STATES CONGRESS TO APPROPRIATE FUNDS
NECESSARY TO BRING THE HERBERT HOOVER DIKE INTO
COMPLIANCE WITH CURRENT LEVEE PROTECTION SAFETY
STANDARDS AND TO EXPEDITE FUNDING FOR THE
IMPROVEMENTS THROUGH PROMPT ENACTMENT OF THE
ENERGY AND WATER APPROPRIATIONS BILL OR SOME
OTHER MECHANISM; AND PROVIDING FOR AN EFFECTIVE
DATE.

- 4.17 **DISASTER RECOVERY SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF BERGERON EMERGENCY SERVICES, INC. TO PROVIDE SECONDARY DISASTER RECOVERY SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.18 **FORFEITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-157 AUTHORIZING THE MAYOR TO ACCEPT AN AWARDED VEHICLE SEIZED BY THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE.
- 4.19 **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-158 AMENDING RESOLUTION R-2007-109 WHICH APPROVED THE CONTRACT BETWEEN THE TOWN OF DAVIE AND G.C. WORKS, INC. FOR THE DEVELOPMENT AND CONSTRUCTION OF A FORENSIC LABORATORY ADOPTED APRIL 18, 2007, BY CORRECTING A PRICE ERROR INDICATED IN THE PREVIOUS RESOLUTION.
- 4.20 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-159 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE.
- 4.21 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-160 APPLICATION SOFTWARE FOR THE DAVIE POLICE DEPARTMENT.
- 4.22 **AUDITING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-161 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH GRAU & ASSOCIATES FOR AUDITING SERVICES.
- 4.23 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2007-145 PLAT KNOWN AS THE "STONE BRIDGE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND

PROVIDING AN EFFECTIVE DATE. (P 3-2-06, Stone Bridge Estates Plat, SW 26 Street and Flamingo Road) (tabled from May 2, 2007) [**see related items 4.26 and 6.1**] *Planning and Zoning Board recommended approval subject to the understanding that the Board was not making a judgment on the appropriateness of the SW 26 Street access*

Temporary Use Permits

- 4.24 TU 4-1-07, Harvest Fellowship/Holiday Charities 6770 Stirling Road (Fireworks Sale)
- 4.25 TU 5-1-07, South Florida Parenting Magazine Event 4645 SW 148 Ave (Festival)

Quasi-Judicial Consent Agenda

- 4.26 MSP 11-2-05, Stone Bridge Estates, SW 26 Street and Flamingo Road (AG) [see related items 4.23 and 6.1] (tabled from May 2, 2007) 03/13/07 - Site Plan Committee recommended approval based on the seven items left over from the last meeting and the following: 1) that the applicant provide tree wells or retaining walls as required for the trees which were to remain and which the applicant would build around; 2) that the entrance road would not have any driveways connected onto it (just for that length of road that comes from Flamingo Road down to the loop); 3) check with Central Broward Water Control District on the berm and drainage easement; 4) add the sidewalk on the west side of the entrance road that enters the loop; 5) add 2x4 wood barricades for tree protection on all trees slated to remain on the tree landscape plan; 6) have a minimum Code black vinyl chain-link fence that separates the recreation trail from the site to be constructed before land development and to have gates from each lot into that pedestrian trail; 7) that the sheet L-1, dated 3/6/07 mitigation, will be done before the first certificate of occupancy is issued at this project; 8) that the southern property line and a portion of the western property line be cleaned up and the fence repaired (clean up is defined as removing the “invasive and exotics” on the applicant’s property and those that have fallen onto the applicant’s property); 9) that on each of the seven southern lots and when the landscaping was installed for the house that was being built, that four Oak trees 14-feet tall, be planted on each of those lots in addition to the Code requirement; and 10) that if the Central Broward Water Control District does not grant the variances that are needed, return to show the revisions to the Committee; 02/06/07 - Site Plan Committee tabled to March 13, 2007, subject to meeting with the Town’s Urban Forester and Ms. Lee in order to walk the site and assess the buffer issue as well as label trees as discussed; subject to the Development Review Agency’s [Committee’s] comments; subject to staff’s recommendations; and the following provisions: 1) exclude the ten-foot buffer at the northeast corner entrance from lot ‘2’ and adjust the square footage of that lot accordingly; 2) install pavers or stamped concrete across the road to delineate the horse trail crossing with a fence and bollards installed to prevent motor vehicles from accessing the horse trail; 3) add a fence in addition to the hedge between the horse trail and the lots in the northern section at the time of lot construction so people do not incorporate the horse trails into their backyards; 4) site plan approval will be required for each individual house; 5) change the horse trail surface to stabilized sod; 6) provide a perimeter hedge along the buffer on Flamingo Road; and 7) continue the recreational trail coming from the northern boundary line along the west side of the entrance road until it reaches the sidewalk

Councilmember Luis pulled items 4.8 and 4.17. Councilmember Starkey pulled items 4.1, 4.2, 4.3, 4.4, 4.18, 4.19, 4.20, 4.22 and 4.24. Councilmember Crowley pulled items 4.10 and 4.13. Mayor Truex pulled items 4.14 and 4.15.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve the consent agenda minus items 4.1, 4.2, 4.3, 4.4, 4.8, 4.10, 4.13, 4.14, 4.15, 4.17, 4.18, 4.19, 4.20, 4.22 and 4.24. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Starkey said she still had a problem with this issue and noted that this consultant had been ranked third. She asked how the provision in Section 3.8 would be enforced and wanted a staff person designated to ensure that the state filing be performed as well.

Assistant Town Administrator Ken Cohen informed Council that this was a one-year contract, and they would notify the insurance carriers that no payments should be made.

Human Resources Director Mark Alan explained that the consultant's fee came from the reserve funds that paid for the consultant's service. The actual premiums that were split by the Town and the employees, were not increased and explained that this would only increase if a new contract was entered into with the insurance provider. Mr. Alan said that a recent update provided by the consultant indicated that there was no need to file with the State. He pointed out that this had nothing to do with their reserve balances.

Mario Junkos, representing Sapoznik Insurance & Associates, stated that the current reserves stood at \$3.3 million. Griselle Farbish, also representing Sapoznik Insurance & Associates, said there was no need to file, according to the Office of Insurance Regulation.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve. In a voice vote with Councilmember Starkey and Mayor Truex dissenting, all voted in favor. (Motion carried 3-2)

4.2 Councilmember Starkey requested a timeline for items 4.2 and 4.3. Assistant Public Works Manager Dan Oyler said that several things had to be bid in this item and agreed to create a timeline.

Councilmember Starkey advised that she would request a timeline for all of these project approvals from now on.

Vice-Mayor Caletka wanted specifics and costs on Phase 2 and 3 as well. Mr. Cohen agreed to provide this.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Councilmember Starkey wanted a timeline for this item as well.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Councilmember Starkey said that she had made changes to the resolution that had not been incorporated: "that the Town will be involved in the siting of those, and design of those signs, plans to be installed along the public right-of-ways should be installed as one of those whereases, and that in addition it would say that no Town funds would be used in this, that it is the Nova Southeastern University's funding of \$150,000 and the FDOT will apply for the \$284,000 match."

Peter Witschen, representing Nova Southeastern University, advised that he had previously agreed to these changes. He also agreed that the signs would indicate "Town of Davie" on them where appropriate.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the resolution as corrected. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Luis asked about components in the bid that were making it more expensive, but which would not be used.

Troy Weekley, representing Weekley Asphalt Paving, explained the price differences.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Crowley advised that he did not object to renewing the agreement, but without the 5% increase.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve the agreement without the 5% increase.

Mr. Oyler explained that the 5% increase was built into the co-op contract for the cost of fuel, labor, etc. and therefore, Council did not have the option of rejecting the increase. Mr. Cherof agreed.

In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - no; Councilmember Starkey - no. (Motion failed 2-3)

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Vice-Mayor Caletka and Councilmember Crowley dissenting, all voted in favor. (Motion carried 3-2)

4.13 Mr. Shimun confirmed that actual costs to the Town were \$300,000 plus perpetual maintenance. Councilmember Crowley wanted to pursue grants to cover at least 50% of the costs. Councilmember Starkey said that Council had been postponing this project for some time, and her constituents had been asking for it.

Mr. Oyler estimated that the maintenance would amount to approximately \$50,000 per year or \$18,000 per location. Councilmember Starkey pointed out that the Town already had agreements to maintain University Drive, Pine Island Road, Davie Road, 136th Avenue, and Flamingo Road, and she asked why these should be treated differently. Vice-Mayor Caletka said if the budget were cut, maintenance would be reduced, but could continue on roadways that had FDOT participation.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve, subject to "if we don't have the funding after this, at least it's sending it up and then if we don't, we can always say no."

Mayor Truex wanted the motion to specify that the item must return to Council for approval before any money was spent, and that it could be stopped. Councilmember Starkey said that was the motion.

In a voice vote, with Vice-Mayor Caletka and Councilmember Crowley dissenting, all voted in favor. (Motion carried 3-2)

4.14 Mayor Truex asked if the Town would definitely be in compliance. Housing and Community Development Director Shirley Taylor-Prakelt said this resolution concerned the State SHIP grant, not the Federal HUD program.

Mayor Truex made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Mayor Truex was not sure about the section stating that Council supported the elevated roadway on the north side of I-595 and felt they should take no position on this. Councilmember Starkey thought they had agreed they could support a reversible HOV lanes or some form of transit in the center, but not the large elevated lanes. Mayor Truex felt the last "Whereas" should read "...and takes no position as to an elevated transit corridor along the southern boundary of the North New River Canal." Councilmember Starkey wanted to eliminate the reference to the elevated roadway in the second "Whereas."

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve with the addition of Mayor Truex's amendment. In a voice vote, with Councilmember Luis and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

4.17 Mr. Cohen explained to Councilmember Luis that this was a second hauler that could be utilized if needed.

Councilmember Starkey said the Town had experienced delays in having debris cleared after the 2005 hurricanes. She indicated that Council had directed staff to negotiate with the second bidder, whom she said had picked up debris in a timely manner in 2005 in the municipalities that utilized their services. Councilmember Starkey described problems the Town had experienced with their primary hauler after the 2005 hurricane, and said she wanted Bergeron Emergency Services to become the primary provider.

Mayor Truex stated, "I remember you raised these objections. They were totally unfounded when raised, they have not improved with age." He added that there had been a mistake made at the time regarding when the Town began the debris pickup. Mayor Truex believed the Town had made the call to start the pickups too late. He stated that the primary contractor had won the bid by being the low bidder, and Bergeron had been the third or fourth placed firm. Mayor Truex acknowledged that Councilmember Starkey had "personal issues, but you should put that aside." Councilmember Starkey said this was not personal and indicated that her constituents had not had their pickups.

Mayor Truex said in the 2005 hurricane season, the arrangement had been that as long as the primary contractor performed as specified, he would remain the primary contractor. The secondary firm had never been called because the primary firm had performed 100% as asked. Mayor Truex acknowledged there were complaints, but they had been manageable. He did not object to the secondary bidder's being designated as the back-up firm, but he understood that the secondary bid was identical to their original bid in 2005.

Councilmember Crowley asked how the two firms would split the work, and if the RFP stated "secondary" or "backup." Mr. Cohen responded that the RFP said "secondary", and did not mention splitting the Town in any way. The decision to call on the secondary firm would be made by the Town Administrator, with recommendations from staff.

Councilmember Crowley suggested that the item be tabled so Mr. Cherof could review the RFP and provide an opinion. Mr. Cohen said that staff had not re-bid because the contract was the cheapest rate in the County.

Vice-Mayor Caletka favored allowing Mr. Cherof time to review the RFP.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table the item to the next meeting and for Mr. Cherof to review it and provide Council with an opinion, and for Council to be provided copies of the RFP and the contract.

Vice-Mayor Caletka disclosed that he had spoken to Mr. Bergeron on this issue.

Mr. Perkins said he wanted time to defend his company from negative comments. Mr. Cherof reminded Council that there was a motion with a second to table the item, and there was no discussion following this. Mayor Truex wanted to ensure that both companies were properly notified that this matter would be discussed at their next meeting.

In a voice vote, with Councilmember Starkey being out of the room, all voted in favor. (Motion carried 4-0)

4.18 Councilmember Starkey said she did not know why the Police Department needed an Escalade, and did not feel it necessary to use law enforcement trust funds for

this. She asked what the law enforcement trust fund balance was, and felt their priority for this fund should be officers' safety.

Police Chief John George advised that the balance in the trust fund was approximately \$500,000 and he did not have a vehicle preference. He felt spending \$15,000 on this vehicle would be cost effective as they now paid \$8,400 per year to rent a car for a detective. He confirmed that this would not be a patrol car or a Chief's car. It would only be an undercover vehicle.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka to approve. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

4.19 Councilmember Starkey wanted to table this item until after the property tax decision was made. She felt outsourcing might be an option.

Chief George reminded Council that they had already approved this action and this resolution only corrected a scrivener's error in the first resolution. He confirmed that they already had the staff and were performing the task, and this was an essential item already in the capital budget.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Chief George explained that one officer participated in this assignment and indicated that the assignment was budgeted. He said the Town had been involved for years and this agreement allowed them to continue, but did not require them to stay. If Council did not approve this, the strike force officer would be pulled immediately. Chief George said this unit had a sustained impact on the interdiction of drugs and currency. He acknowledged that if a staff reduction became necessary, this was an area they might consider reducing.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve.

Councilmember Crowley said the agreement must also be corrected to reflect the entire Council's approval was required, not just the Mayor's.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Councilmember Starkey said this was the same auditor who had not recognized the Town's loss issue and noted that the annual CAFR report had been late for the past three years as well. She said she was uncomfortable engaging the same company.

Councilmember Crowley believed it was the fault of staff that the report had not been done on time. He felt it had not been in the auditor's scope of work to audit the areas in which they had suffered the losses. Councilmember Crowley favored renewing the contract.

Vice-Mayor Caletka wanted the auditor to make a presentation to Council with the yearly CAFR report.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

Council agreed they wanted a presentation of the CAFR. Acting Budget and Finance Director Carol Menke said it had been staff's decision that the firm not make a presentation to Council on the CAFR, but this had been a scheduling issue only.

4.24 In light of the current drought situation, Councilmember Starkey did not want to encourage this activity this year.

Councilmember Crowley remembered that in the past, the Commissioner of Agriculture had made a decision about this.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve subject to the Commissioner of Agriculture's decision whether to ban fireworks during the holiday.

Chief DiPetrillo informed Council that there was discussion of legalizing fireworks state-wide. He was concerned about the dry conditions as well.

Vice-Mayor Caletka agreed with Councilmember Starkey, but wanted to be sure they were consistent with all fireworks sales.

Robert Goler, Harvest Fellowship Pastor General, assured Council they would only sell state-approved sparklers, poppers, stingers and fountains - the same "safe and sane" fireworks one could find in the supermarket.

In a voice vote, with Vice-Mayor Caletka and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
- 2007-9 APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 2, 2007) [see related items 4.23 and 4.26] {**Approved on First Reading April 4, 2007, subject to Central Broward Water Control District review; tree survey and relocation, protection from vehicle on radius; decorative guardrail around water body; redesigning lot 6 because of oak trees; stone-walk along bridge; bonding for trees; brick pavers; revised plat for review. All voted in favor**}

Mr. Cherof read the ordinance by title. Acting Planning & Zoning Deputy Manager David Abramson summarized the planning report.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS - STANDARDS ENUMERATED; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XI, ADDING SECTION 12-349 REVIEW OF APPLICATIONS FOR DEVELOPMENT OF LAND FORMERLY IN HACIENDA VILLAGE OR UNINCORPORATED BROWARD COUNTY CURRENTLY USED FOR RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARD; AND AMENDING ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING

YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE PROPERTY WAS DESIGNATED FOR JUNKYARD USE UNDER HACIENDA VILLAGE OR BROWARD COUNTY CODES AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Local Planning Agency recommended approval subject to the amendments previously set forth which were: 1) an amendment

to Subsection (U), page 4, four lines up from the bottom of the page, it should read "...practices otherwise conform to generally accepted Recycling, Scrap Metal Processing and Automobile Wrecking Yard business practices, the operation does not emit noxious odors, is in conformance with all applicable environmental regulations, and otherwise conforms with the nuisance standards as defined by the Town code."; 2) page 5, with (HH), add to the end of the last sentence: *"...which shall not be deemed to include the permanent storage of said inventory or material."*; and 3) in the same definition as (HH) after the previously added wording, add the sentence: *"This definition shall not be deemed to include the reduction of concrete to a powder like form."*

{Approved on First Reading May 16, 2007. All voted in favor.}

This item was tabled earlier in the meeting.

- 6.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2007-10 FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED "UTILITIES", BY AMENDING SECTION 32 ENTITLED "WATER CONSERVATION" BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
{Approved on First Reading May 16, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - out of room}

Mr. Cherof read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey asked if the Police Department could enforce this. Mr. Cherof responded in the affirmative. Chief George informed Councilmember Crowley that by State Statute, the Police could enforce current water restrictions as well. This ordinance would allow Code Compliance to take action. They could also continue to enforce state law, if restrictions changed.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE,**
2007-11 FLORIDA, APPROVING REZONING PETITION ZB 1-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-1, MOBILE HOME RESIDENTIAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN

ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-06, Brennand, 12700 SW 14 Place) **{Approved on First Reading May 16, 2007. All voted in favor.}**

Mr. Cherof read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.5 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2007-12 APPROVING REZONING PETITION ZB 6-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 HACIENDA VILLAGE TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-06, Linda Strutt Consulting, Inc./200 Harvard Corp., 4561, 4575, and 4595 Oakes Road and 3520 and 3540 Burris Road) **{Approved on First Reading May 16, 2007 subject to the Town Engineer reviewing the Site Plan, and a possible request for additional Right-of-Way. All voted in favor.}**

Mr. Cherof read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Ms. Nolan informed Councilmember Starkey that this did not trigger any non-conforming issues. The owner was not redeveloping the property at this time.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Resolution

- 6.6 **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2008-2012.**

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held June 20, 2007)

- 6.7 **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATIONS LA 08-01-06 AND LA 08-02-06, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP BOUNDARIES TO DEPICT THE PINE ISLAND RIDGE AND UNITED RANCHES AREAS THAT WERE ANNEXED INTO THE TOWN OF DAVIE IN 2006; ASSIGNING TOWN OF DAVIE LAND USE PLAN DESIGNATIONS TO THE ANNEXED AREAS CONSISTENT WITH THEIR BROWARD COUNTY LAND USE PLAN DESIGNATIONS PRIOR TO ANNEXATION; BY SPECIFICALLY INCORPORATING THE PRIOR BROWARD COUNTY LAND USE PLAN DESIGNATIONS OF RESIDENTIAL-IRREGULAR 6.380, AND RECREATION AND OPEN SPACE FOR THE PINE ISLAND RIDGE AREA TO TOWN OF DAVIE LAND USE PLAN DESIGNATIONS**

OF RESIDENTIAL-IRREGULAR 6.380, AND RECREATION AND OPEN SPACE; BY SPECIFICALLY INCORPORATING THE PRIOR BROWARD COUNTY LAND USE PLAN DESIGNATIONS OF ESTATE RESIDENTIAL AND LOW THREE (3) RESIDENTIAL FOR THE UNITED RANCHES AREA TO TOWN OF DAVIE LAND USE PLAN DESIGNATIONS OF ESTATE RESIDENTIAL AND LOW THREE (3) RESIDENTIAL; ALL AREAS ARE MORE PARTICULARLY

DESCRIBED ON THE LEGAL DESCRIPTIONS INDICATED IN APPLICATIONS LA 08-01-06 AND LA 08-02-06; TRANSMITTING THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (*Local Planning Agency approved*)

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the June 20, 2007 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.8 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING GARBAGE AND REFUSE, CHAPTER 9, ARTICLE II., COLLECTION AND REMOVAL, SECTION 9-25 RECEPTACLE REQUIREMENTS; THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VI, SITE LANDSCAPING, SECTION 12-111, MINIMUM LANDSCAPING REQUIREMENTS FOR OUTDOOR EQUIPMENT OR FACILITIES; ARTICLE III, USE REGULATIONS, DIVISION 2, GENERAL REGULATIONS, SECTION 12-33, GENERAL REGULATIONS ADDING SUBTITLE (JJ) DUMPSTER ENCLOSURES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (*Local Planning Agency approved subject to the amendments that were read into the record by staff and subject to the amendment to paragraph (6) to change it from building permit to site plan review*)

This item was tabled earlier in the meeting.

- 6.9 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SIGNS, LIGHTING, DIVISION 1, SIGNS, SECTION 12-243, DETAILED SIGNS REGULATIONS, D) TEMPORARY SIGNS, 2) REAL ESTATE SIGNS, d) OPEN HOUSE SIGNS; TO PROVIDE FOR RESIDENTIAL TRANSITORY SIGNS FOR ONE DAY ACTIVITIES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (*Local Planning Agency approved subject to 1) remove the text which stated "which may be displayed for one (1) day only;" 2) that subsection 5 be deleted; and 3) amend*

subsection 4 to include after "...the same calendar day, but no later than 9:00 p.m., and if not, the signs may be removed by the Town")

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the June 20, 2007 meeting.

Ms. Nolan summarized the planning report.

Councilmember Starkey explained that this ordinance changed the hours during which the signs could be posted. The signs would have to be picked up by 9 p.m. instead of 5 p.m., and the Town may remove the signs.

Mayor Truex opened the public hearing portion of the meeting.

Joyce Stewart said there had been a large problem with “open house” real estate signs, bringing about this change request.

Councilmember Starkey made a motion, seconded by Councilmember Crowley to approve with the changes.

Town Clerk Muniz clarified that the changes to which Councilmember Starkey referred in the motion were from the Local Planning Agency.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.10 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XIII, SPECIAL PLANNING AREAS AND DISTRICTS, ADDING DIVISION 5, UNITED RANCHES; ACKNOWLEDGING THE ANNEXATION AGREEMENT SPECIFYING THAT BROWARD COUNTY ZONING CLASSIFICATIONS, RULES AND REGULATIONS ARE TO REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (*Local Planning Agency approved*)**

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the June 20, 2007 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.11 **USER FEES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING SECTION 98-5 OF THE TOWN OF DAVIE CODE OF ORDINANCES; ESTABLISHING AND IMPLEMENTING A PROGRAM TO IMPOSE AND COLLECT USER FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWN OF DAVIE FOR MOTOR VEHICLE ACCIDENT SERVICES; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

Earlier in the meeting, Mr. Cherof read the ordinance by title.

Fire Chief Don DiPetrillo explained that the intent of the fee was to recoup costs for accidents occurring on State and interstate highways, which were a drain on the Town’s resources. Chief DiPetrillo stated that, “this is an attempt to put the cost on the end-user, the person that doesn’t live in the Town of Davie, that doesn’t pay our taxes, that creates the accident, and it goes directly to the insurance company, it’s not to the user itself.”

Mr. Cherof confirmed for Mayor Truex that if the insurance company refused to pay, the person involved in the accident would be billed. Also, in its current draft, the

ordinance did not specify that Town residents would not be billed. Mr. Cherof explained that a clause referred to traffic on interstate highways, but the ordinance was not specific to roadways. These provisions would require an amendment.

Mayor Truex asked if it would be legal to only charge non-residents. Mr. Cherof said if Council supported the concept, staff would “work on the language between first and second reading to make sure that there is not disparate treatment which...would make it subject to attack.”

Chief John George described the impact the calls on the highways had on the Police Department, and advised that the Florida Highway Patrol had only 32 troopers assigned to Broward County, so the burden fell on the Town.

Councilmember Starkey said she supported the concept and wanted to proceed. Mayor Truex wanted to ensure that this would not apply to residents, and would only apply to interstates and the turnpike and it would also be limited to insurance companies. Mayor Truex was concerned that someone might hesitate to call 911 when needed if they knew they would be billed for it.

Regina Moore of CSC explained how they had developed the rates for the services, and how recovery worked for residents and non-residents.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve with Mr. Cherof to address the questions that were raised. Mayor Truex asked if the motion included the direction for Mr. Cherof to draft the changes for the second reading, if possible. Councilmember Starkey responded in the affirmative

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - out of room; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-1)

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

7.1.2 Open Space Advisory Committee (one exclusive appointment - term expires April 2008)

No appointment was made.

7.1.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.4 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.5 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Councilmember Starkey

7.2.1 Airport Advisory Board (one exclusive appointment - terms
expire December 2007)

No appointment was made.

7.3 Councilmember Luis

7.3.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

7.3.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Luis appointed Joel Silverman.

7.4 Site Plan Committee (one exclusive appointment; term expires June 30, 2008) (members shall consist of 5 residents and, whenever possible, the membership shall include an architect, landscape architect, and an urban planner or designer)

Vice-Mayor Caletka appointed Sam Engel. Councilmember Crowley appointed Casey Lee. Councilmember Starkey appointed Bob Breslau. Mayor Truex appointed Jeff Evans. Councilmember Luis appointed Harry Venis.

7.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

8.1 Naming of Basketball Court (Mayor Truex)

Mayor Truex advised that he had looked at two courts in Shenandoah Park, which would be closest to Weston, where Daniel Wultz had lived.

Councilmember Luis said he had no objection to the Shenandoah site in his district.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve Mayor Truex's recommendation in Shenandoah Park. In a voice vote, with Vice-Mayor Caletka and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

9. NEW BUSINESS

There was no new business discussed.

10. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR CALETKA

SIX-MONTH EVALUATION FOR MR. SHIMUN. Vice-Mayor Caletka felt Council should give Mr. Shimun a six-month job evaluation. Councilmember Starkey thought this was a good idea as well, and reminded Council that they had an evaluation form available for this process. Mr. Shimun had no objection to this. Mayor Truex suggested

having the evaluation during the next two months. Councilmember Crowley also thought an evaluation was a good idea.

COUNCILMEMBER CROWLEY

CHARTER REVIEW. Councilmember Crowley wanted to consider changing the election from March to November.

DAVIE TRAVEL CENTER. Councilmember Crowley felt the landscaping must be accomplished as promised as soon as possible, as it had been six to eight months since Council agreed to issue the permit.

EMPLOYEE PENSION PLAN WORKSHOP. Councilmember Crowley asked when the workshop would be scheduled. Mr. Cohen agreed to schedule this at Council's discretion. Council had no objections to the workshop being scheduled.

COUNCILMEMBER STARKEY

HISTORICAL DISTRICT TIMELINE. Councilmember Starkey requested a timeline on the creation of the historical district that was discussed at the goal setting session. Mr. Cherof said he knew of a few existing models that could be followed.

BUDGET WORKSHOP. Councilmember Starkey wanted to schedule a workshop to discuss the different options.

CAMERA/AUDIO RECORDING. Councilmember Starkey referred to a memo from Mr. Cherof recommending against audio recording at Town Hall. She asked that the other Councilmembers who had not opposed this to discuss it with Mr. Cherof. Councilmember Starkey questioned the use of a camera in the Community Room and she was concerned with the HIPPA laws with the camera in the Human Resources Department.

AIRPORT VOTE. Councilmember Starkey thanked Mayor Truex, Vice-Mayor Caletka and staff for attending, and also thanked staff for arranging transportation for residents. She noted that at the time the County Commission visited the noise monitors, there was very little traffic and the noise was low due to the change in the take-off pattern. Councilmember Starkey thought Council should hold another workshop with the consultants to determine how to proceed, and at least \$150,000 should be earmarked in the budget.

COUNCILMEMBER LUIS

EMPLOYEE RECLASSIFICATION. Councilmember Luis asked staff to look into the matter raised by Ms. Nesbitt.

AGRICULTURAL ADVISORY BOARD ORDINANCE PROPOSAL.

Councilmember Luis said the Agricultural Advisory Board had created a proposal for an ordinance to deal with the deaths of large animals. He advised that he would provide a copy to Council and staff.

NEW BOARDS. Councilmember Luis wanted the Town to create a Peer Review Board that would review the procedures and workings of cities similar to Davie from which ideas could be gleaned. Councilmember Luis also wanted to create an audit committee comprising employees and citizens. He asked Mr. Shimun to contact the City of Pembroke Pines on this committee. Councilmember Luis asked for Council's support. Council had no objection to gathering additional information on these boards.

AIRPORT ISSUE. Mayor Truex wondered if they must act quickly and meet with their special counsel. Councilmember Starkey said they were awaiting the Master Plan update, the Part 150 study and the final EIS, so there was no rush. Mr. Shimun agreed to ask the consultants about this.

11. TOWN ADMINISTRATOR'S COMMENTS

FINANCE DIRECTOR. Mr. Shimun announced that the new Finance Director would start on June 24th.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:35 p.m.